

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA
Plaintiff

v

JOSE PADILLA GALARZA
(Apartment PH 15 in La Mancha
Condominium, Carolina, Puerto Rico
Defendant

CRIM. NO. 97-032 (HL)

**MOTION TO WITHDRAW FUNDS AND IN COMPLIANCE
WITH ORDER TO SHOW CAUSE**

TO THE HONORABLE COURT:

COMES NOW, interested party R-G Mortgage Corp. (hereinafter "R-G"), by the undersigned attorneys and very respectfully alleges and prays:

1. On February 11, 2004, plaintiff attempted to deliver a check in the sum of \$89,785.04 to Francisco Cortés, Vice-President of R-G. The amount of the check had been stipulated in the Stipulated Expedited Settlement Agreement signed by R-G and the plaintiff on August 15, 2001 and approved by this Honorable Court on August 30, 2001.

2. By mistake, Mr. Cortés refused to accept the payment, stating that it did not include the payment of additional interest, from August 1, 2001 to February 11, 2004. Apparently Mr. Cortés was not aware of the Stipulated Expedited Settlement Agreement signed by the plaintiff and RG back in 2001.

3. The funds were deposited with this Honorable Court where they have remained to date.

4. Upon request by the plaintiff, this Honorable Court on December 2, 2004 ordered R-G to show cause as to why should the United States be required to pay additional

interest, not included in the Stipulated Expedited Settlement Agreement approved by the court.

5. R-G hereby withdraw its claim for payment of additional interest and requests this Honorable Court to issue an order allowing R-G to withdraw the funds deposited in court in the amount of \$89,785.04.

WHEREFORE, interested party R-G respectfully prays to the Honorable Court to take notice of the foregoing and issue an ORDER allowing R-G to withdraw the funds deposited in court in the amount stated in the Stipulated Expedited Settlement Agreement.

RESPECTFULLY SUBMITTED

In San Juan, Puerto Rico this 13th day of December, 2004.

I HEREBY CERTIFY: That on this same date a copy of this motion has been sent to Maritza González de Miranda, Assistant United States Attorney and Carmen I. Texeira Gueits, to their respective electronic addresses of record.

s/Norberto Medina Zurinaga
Norberto Medina Zurinaga
USDC-PR 122112

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